

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS MARTIN,
JOHN DOE,

JANE DOE I, JANE DOE 2, AND JANE DOE 3,
Plaintiffs,
V.

JASON KESSLER, et al. Defendants.

Civil Action No.: 3:17CV00072

DEFENDANTS RULE 26(a) DISCLOSURES

Despite the fact that this case is obviously an example of “lawfare”—a malicious attempt to harm Richard Spencer financially and waste his time (along with the Court’s)—and despite the fact that the Plaintiffs’ claims against Spencer are dubious at best, Defendant Spencer makes the following disclosures.

A.

Individuals Likely to Have Discoverable Information:

Upon information and belief, all Plaintiffs and Defendants have information as to

the allegations in the Complaint and any Answers as to whether the facts alleged are true. In addition to the parties, Defendant identifies the following individuals:

1. Detective Steven Young

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902 434.970.3280

Summary: According to news articles, Detective Young participated in the apprehension and questioning of defendant Fields and has other information about the events of the day.

2. Chief Al Thomas

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902 434.970.3280

Summary: Chief Al Thomas was the Chief of Police for the City of Charlottesville during the time of all allegations in the Complaint. Upon information and belief, Chief Thomas has information as to the security plans, pedestrian routes and road closures intended by the City of Charlottesville and his department in preparation for the rally and whether those plans were followed.

3. Lieutenant Joe Hatter

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902 434.970.3280

Summary: Lieutenant Hatter was the supervisor of the investigations unit and recommended additional options such as a wrought-iron fence and officers on horseback for crowd control.

4. Captain Victor Mitchell

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902 434.970.3280

Summary: Captain Mitchell was designated by Chief Thomas as the incident commander and assisted in the design of the CPD operation plan for the rally. Upon information and belief, Captain Mitchell has information as to the security plans, pedestrian routes and road closures intended by the City of Charlottesville

and his department in preparation for the rally and whether those plans were followed.

5. Lieutenant Steve Knick

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902 434.970.3280

Summary: Upon information and belief, Lieutenant Knick has information as to the security plans, pedestrian routes and road closures intended by the City of Charlottesville and his department in preparation for the rally and whether those plans and recommendations were followed.

6. Lieutenant Tito Durette

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902
434.970.3280

Summary: Upon information and belief, Lieutenant Durette has information as to the security plans, pedestrian routes and road closures intended by the City of Charlottesville and his department in preparation for the rally and whether those plans and recommendations were followed.

7. Sergeant Tony Newberry

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902
434.970.3280

Summary: Upon information and belief, Sergeant Newberry has information as to the security plans, pedestrian routes and road closures intended by the City of Charlottesville and his department in preparation for the rally and whether those plans and recommendations and plans were followed.

8. Chief Rick Lantz

Albemarle County Police Department 1600 5th St. NE Charlottesville, Virginia
22902
434.296.5807

Summary: Upon information and belief, Chief Lantz has information as to the security plans and offers of assistance to Charlottesville PD and attempts, if any, by

Charlottesville PD and Chief Thomas to obtain assistance from Albemarle County PD to control crowds and prevent violence at the rally.

9. Captain Sean Reeves

Albemarle County Police Department 1600 5th St. NE Charlottesville, Virginia
22902
434.296.5807

Summary: Upon information and belief, Captain Reeves has information as to the security plans and offers of assistance to Charlottesville PD and attempts, if any, by Charlottesville PD and Chief Thomas to obtain assistance from Albemarle County PD to control crowds and prevent violence at the rally.

10. Timothy J. Heaphy, Esquire

Hunton & Williams
951 East Byrd Street Richmond, VA 23219 804.788.8401

Summary: Mr. Heaphy conducted an external review of the City of Charlottesville's plan and coordination in advance of the rally and has information regarding the security plans, pedestrian routes and road closures in advance of the rally as well as the identity of additional potential witnesses.

11. Mr. Maurice Jones

Charlottesville City Manager POBox911 Charlottesville, Virginia 22902

Summary: Mr. Jones received the initial permit application and participated in event preparation and planning.

12. Ms. Michelle Christian

Charlottesville Special Event Coordinator
PO Box 911
Charlottesville, Virginia 22902

Summary: Ms. Christian received the initial permit application and participated in event preparation and planning.

13. Ms. Miriam Dickler

Charlottesville Director of Communications PO Box 911
Charlottesville, Virginia 22902

Summary: Ms. Dickler received the initial permit application and participated in event preparation and planning.

14. Mr. Brian Daly

Charlottesville Director of Parks and Recreation PO Box 911
Charlottesville, Virginia 22902

Summary: Mr. Daly received the initial permit application and participated in event preparation and planning.

15. Mr. Paul Oberdorfer

Charlottesville Director of Public Works PO Box 911
Charlottesville, Virginia 22902

Summary: Upon information and belief, Mr. Oberdorfer has information as to the security plans and road closures intended by the City of Charlottesville and his department in preparation for the rally and whether those plans and recommendations were followed.

16. Captain Wendy Lewis

Charlottesville Police Department
606 E. Market St. Charlottesville, Virginia 22902
434.970.3280

Summary: Captain Lewis was the primary point of contact with organizer Jason Kessler and participated in event preparation and planning as well as pre-event research into expected actions and number of participants of potential attendees and known counter protesters.

17. Brittany Caine-Conley

Congregate Charlottesville Charlottesville, Virginia

Summary: In concert with Mr. Wispelwey, Caine-Conley is believed to have organized counter protesters and provided training in tactics to delay and obstruct the rally for interested individuals potentially including members of Black Lives Matter (BLM) and Standing up for Racial Justice (SURJ).

18. W. Lawton Tufts, Esquire

Director of Public Service and Alumni Advising
580 Massie Road
Charlottesville, Virginia 22903
434.924.7354

Summary: Upon information and belief, Mr. Tufts participated in organizing and attempting to organize communications between BLM, Congregate Charlottesville Police Department and Congregate Charlottesville in advance of and preparation for the rally. Tufts advised membership of BLM and SURJ of warnings conveyed by law enforcement.

19. Anne Coughlin, Esquire

Professor of Law
580 Massie Road Charlottesville, Virginia 22903
434.924.7354

Summary: Upon information and belief, Ms. Coughlin participated in organizing and attempting to organize communications between BLM, Congregate Charlottesville Police Department and Congregate Charlottesville in advance of and preparation for the rally and may have attended the rally.

20. Mayor Michael Signer, Esquire

Charlottesville City Hall
PO Box 911
Charlottesville, Virginia 22902

Summary: Then-Mayor Signer reviewed the permit applications and participated in event preparation and planning for the rally. Upon information and belief, he further participated in personnel, security and law enforcement decision making as well as consideration of moving the rally to a different location.

21. Captain Craig Worsham

Virginia State Police

240 Third Division Loop Appomattox, Virginia 24522

Summary: Upon information and belief, Captain Worsham was in charge of coordinating the Virginia State Troopers assigned to police the rally as well as staffing and planning VSP response.

22. Fire Chief Andrew Baxter

Charlottesville Fire Department

203 Ridge Street Charlottesville, Virginia 22902

434.970.3240

Summary: Fire Chief Baxter has information regarding the emergency services plan for the rally by the Charlottesville Fire Department and the decision to request an "Incident Management Team from the Virginia Department of Emergency management. Upon information and belief, he may also have information regarding revisions to the plans as per input from VDEM.

23. Deputy Fire Chief Mike Rogers

Charlottesville Fire Department

203 Ridge Street Charlottesville, Virginia 22902

434.970.3240

Summary: Deputy Fire Chief Rogers has information regarding the emergency services plan for the rally by the Charlottesville Fire Department.

24. Deputy Fire Chief Emily Pelliccia

Charlottesville Fire Department

203 Ridge Street Charlottesville, Virginia 22902 434.970.3240

Summary: Deputy Fire Chief Pelliccia has information regarding the emergency services plan for the rally by the Charlottesville Fire Department and the coordination with the Virginia Department of Emergency Management.

25. Emily "Ed" Gorcenski

"Charlottesville Activist" Address unknown

Summary: Emily "Ed" Gorcenski reportedly has information regarding events and information shared leading up to the march and rally and is believed to have been present at both the march and the rally.

26. Chief Michael Gibson

University of Virginia Police

2304 Ivy Road Charlottesville, Virginia 434.924.7166

Summary: Chief Gibson may have information regarding notice to the University and planning of the "torch march" referenced in the Complaint.

27. Diane Hueschen

civilian employee

Charlottesville Police Department

606 E. Market St. Charlottesville, Virginia 22902

434.970.3280

Summary: Hueschen is believed to have been the lone officer blocking vehicle access to 2nd Street NE and High Street.

28. Tammy Shiflett

School resource officer Charlottesville Police Department

606 E. Market St.

Charlottesville, Virginia 22902 434.970.3280

Summary: Shiflett is believed to be the lone officer blocking vehicle access at 4th Street and NE Market Street. She is further believed to have communicated with Captain Lewis regarding the movement of the crowd in her direction. Upon information and belief, she was instructed to move her car out of the intersection leaving the intersection blocked by only a wooden sawhorse while the crowd of counter-protesters was pushed toward this area by law enforcement.

29. Wes Bellamy

Charlottesville City Hall

PO Box 911

Charlottesville, Virginia 22902

Summary: Bellamy was reportedly instrumental in organizing activists and counter protesters that blocked the street and caused chaos during the rally and potentially has information relevant to the case.

30. Any party to case # 2017 CV00078

Summary: Said individuals are parties to litigation covering the same incident as this lawsuit.

31. Gregory Conte

16 Granite Pl. Unit 287
Gaithersburg MD 20878

greg@npiamerica.org
(301) 802-8358

Summary: Gregory Conte acted as Spencer's colleague and bodyguard throughout the days of August 11 and 12.

32. Evan McLaren

PO Box 320482
Alexandria VA 22320

evan@npiamerica.org
(571) 344-4803

Summary: Evan McLaren is Spencer's colleague and could attest to his actions during the time of the scheduled event on August 12, as well as in its aftermath.

33. Daniel Friberg

Daniel Friberg
Andrassy ut 68
Apt D23
1062 Budapest

daniel@arktos.com
+46 73 428 2433

Summary: Swedish publisher Daniel Friberg was near Richard Spencer, and in contact with him, throughout the day of August 12.

34. Laura Sennett

(571) 419-7829

isis0777@icloud.com

Summary: Photojournalist and anti-racist activist documented the events of August 12. She has been following Richard Spencer's activities since 2011, has interviewed him and spent time with him, and could attest to his character and motivations.

35. Jackson Landers

jack.landerson@gmail.com

Summary: Jackson Landers has compiled footage of the mêlée on August 12 for his documentary *Charlottesville: Our Streets*, much of which could be relevant to this case.

B. Documents, Data, Compilation and Tangible Things

Spencer is in possession of the following documents, data compilation or tangible things, most of which are publicly available on the Internet.

I. Public statements by Spencer, detailing his intent to participate in the legally permitted rally and only engage in lawful activities as protected by the First Amendment.

II. News media incident reports and descriptions of the incidents issued by various newspapers and websites including but not limited to:

- a. Richmond Times Dispatch
- b. Washington Post
- c. Daily Progress
- d. The Guardian
- e. New York Times

- f. Vox.com
- g. Time Magazine

III. Periscope/Twitter videos made by Spencer in Lee/Emancipation Park during the scheduled time for the rally and in the immediate aftermath; video by Spencer in a hotel room following his quitting of the rally space and downtown Charlottesville.

A youtube video of a speech made by Spencer in MacIntyre park on Aug 12th further detailing his peaceful and lawful intent in participating in a legally permitted rally.

IV. "Independent Review of the 2017 Protest Events In Charlottesville, Virginia" authored by Timothy J. Heaphy, Esq. Hunton & Williams, LLP dated 11.24.17.

V. Spencer's messages on the iOS app iMessage related to the Charlottesville events during the period of August 5 through August 19, 2017.

C. There are no insurance agreements relevant to Mr. Spencer.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "R. Spencer", with a stylized, cursive script.

Richard Spencer
1001A King St.
Alexandria, VA 22314

richard@npiamerica.org
(571) 527-6027

CERTIFICATE OF SERVICE

I hereby certify this Notice and all accompanying documents were served via electronic mail on April 9, 2018 upon all parties of record.

A handwritten signature in blue ink, appearing to read "R. Spencer", with a long horizontal flourish extending to the right.

Richard B. Spencer